

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wei-Yu Lo et al.  
 Serial No. : 09/778,516  
 Filed : February 7, 2001  
 Title : LAC SHUTTLE VECTORS

Art Unit : 1632  
 Examiner : Pappu, Sita S

Commissioner for Patents  
 Washington, D.C. 20231

**DECLARATION OF AVAILABILITY**

I, Y. Rocky Tsao, hereby declare:

1. I am an attorney of record in the above-captioned patent application.  
 2. ANAWRAHTA BIOTECH CO., LTD (Rm. A3, Building A, No. 112, 18<sup>th</sup> Fl., Sec. 1, Shing-Tai-Wu Road, Shi-Jr, Taipei-Shien, 221 Taiwan, ROC) is the assignee of the entire right, title and interest in the invention described and claimed in the above-captioned patent application.

3. Under the terms of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure, deposits of the bacterial strain described on page 9, lines 10-13 of this application and the two vectors depicted in Figures 5A-5G and 6A-6G of the same application were made by ANAWRAHTA BIOTECH CO., LTD on November 10, 2000, with the American Type Culture Collection, 10801 University Blvd., Manassas, VA 20110-2209, USA. The deposits were given Accession Numbers PTA-2662 (the bacterial strain), PTA-2661 (the vector depicted in Figure 5A-5G), and PTA-2663 (the vector depicted in Figures 6A-6G). The deposited strain and vectors were in the possession of ANAWRAHTA BIOTECH CO., LTD at the time of filing of the above-captioned application.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit

April 22, 2002

Signature

*[Handwritten Signature]*

Typed or Printed Name of Person Signing Certificate

DEBORAH R. DAST

4. ANAWRAHTA BIOTECH CO., LTD agrees that upon allowance and issuance of the above-captioned patent application as a United States Patent, all restrictions on the availability to the public of the deposit will be irrevocably removed, and until such time, the material will be available during the pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. 1.14 and 35 U.S.C. § 122.

5. ANAWRAHTA BIOTECH CO., LTD further agrees that the deposited material will be maintained with all the care necessary to keep it viable and uncontaminated for a period of at least five (5) years after the most recent request for the furnishing of a sample of the deposited material, and in any case, for a period of at least thirty (30) years after the date of deposit or for the enforceable life of the patent, whichever period is longer and that the deposited material will be replaced if the depository should be unable to furnish a sample when requested due to the condition of the deposit, such as inviability, contamination, or loss of capability to function in the manner described in the specification.

6. All statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: 4-22-02

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